

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JAMES ERIC LOFTEN, §  
§  
Plaintiff, §  
VS. § CIVIL ACTION NO. C-05-191  
§  
US GOVERNMENT, *et al*, §  
§  
Defendant. §

**MEMORANDUM AND RECOMMENDATION TO DISMISS**

On July 26, 2006, Loften's application to proceed *in forma pauperis* was denied (D.E. 13). He was ordered to pay the \$250 filing fee within thirty days (*Id.*). To date Lofton has failed to do so. Accordingly, it is recommended that Lofton's complaint be dismissed without prejudice for want of prosecution. Fed. R. Civ. P. 41(b).

Respectfully submitted this 15th day of September, 2005.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE

## **NOTICE TO PARTIES**

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **TEN (10) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to Fed. R. Civ. P. 72(b), 28 U.S.C. § 636(b)(1)(C) and Article IV, General Order No. 80-5, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within TEN (10) DAYS after being served with a copy shall bar that party, except upon grounds of *plain error*, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. Douglass v. United Services Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).